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**on behalf of API and AOPL**

**at the**

**Hearing on Pipeline Safety Public Awareness and Education**

**before the**

**Subcommittee on Railroads, Pipelines, and Hazardous Materials**

**July 21, 2010**

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**Introduction:**

Good afternoon Madam Chair, Ranking Member Shuster, and members of the Subcommittee. Thank you for inviting me to testify on pipeline public awareness programs. I am Peter Lidiak the Pipeline Director for the American Petroleum Institute. My comments today are being presented on behalf of API—the American Petroleum Institute and AOPL—the Association of Oil Pipe Lines.

AOPL is an incorporated trade association representing 51 liquid pipeline transmission companies. API represents about 400 companies involved in all aspects of the oil and natural gas industry, including exploration, production, pipeline and marine transportation, refining and marketing, and service and supply to these segments. Together, the two organizations represent the operators of 85 percent of total U.S. liquid pipeline mileage in the United States.

**Public Awareness Programs**

Public awareness programs are not just a regulatory requirement but are important tools used by pipeline operators to communicate key safety information to the people that live and work along the pipeline right-of-way. Informational materials tell the public, excavators, public officials, and first responders, among others, about what they need to know about pipelines, activities that are and are not appropriate around pipelines, and who to call and what to do in case of an emergency. For instance, the public can be one of our members' best assets because they can tell the operators when someone is

doing something they should not be doing around a pipeline, like digging without calling 811 or engaging in vandalism.

Pipeline operators have been conducting some type of public awareness or education programs for at least the last twenty years. Over time, operators have developed and shared practices to improve their programs. In 2003, a consensus standard, API Recommended Practice (RP) 1162, provided industry a programmatic framework as well as practices for developing, implementing and measuring public awareness programs. And in May 2005, the Department of Transportation's Office of Pipeline Safety (OPS) incorporated RP 1162 by reference into its regulations, following the requirements of the National Technology Transfer Act, and thereby requiring liquid and natural gas operators to follow these practices. OPS is preparing to review and inspect this new approach to public awareness for the first time to assure regulatory compliance and to determine if it is effective in raising awareness of pipelines in communities and helping the public and other key stakeholders understand how to recognize and respond to a pipeline emergency.

When the first edition of API's Recommended Practice 1162 was being drafted, the goal was to craft a public awareness framework for all operators to use and provide practices that were clear, reasonable and practical so that pipeline safety was enhanced. That meant clarifying what public awareness actually means, determining the techniques and logistics for achieving it, and then measuring for effectiveness. And it meant taking on this task for the hundreds of pipeline operators and many millions of people who live or work along the hundreds of thousands of miles of pipeline that run across our nation.

Many stakeholders were involved in developing our public awareness recommended practice, including industry, members of the public, state regulators and the Office of Pipeline Safety. We gathered input and received feedback on drafts. API is an accredited standards development organization, operating under American National Standards Institute (ANSI) approved standards development procedures and undergoing regular audits of its processes. We publish an annual plan of our upcoming

standards activities every year in the Federal Register through the National Institute of Standards and Technology, as well as posting the same information on our website.

Communicating safety awareness about anything to hundreds of thousands of people is extremely hard: Not using a cell phone while driving; wearing a seatbelt; the dangers of exceeding the speed limit. Each and every day people are barraged with messages and information. Sometimes people do not want to take the time to listen. Or don't want to listen since they believe they already know what to do. Or don't have enough interest even though we think they should. Communicating about pipelines in our communities will constantly be a challenge. If one has experienced a pipeline incident in his or her community or if a large transmission pipeline is proposed for construction near one's home, then pipeline safety messages resonate. But, in a world of several hundred television and radio channels, Facebook, Twitter, thousands of messages telling us to do this or buy that, and the demands of our own family members, it is little wonder that pipeline operators struggle to relay their very important safety messages.

Much has been done to enhance public awareness since the first edition of RP 1162 came out in 2003---and much has been learned. We are continually finding new and more effective ways to reach out to key stakeholder audiences to talk about pipeline safety and, at the same time, establish channels for those key stakeholders to talk to us about their pipeline safety concerns. Our pipeline public awareness programs are more effective when we can engage our neighbors, local officials, emergency responders, excavators, and others in two-way communication.

Ten years ago, pipeline safety education was mostly limited to the occasional advertisement in local newspapers near a pipeline system. Today, under RP 1162, operators execute extensive baseline pipeline awareness programs and often enhance those communications with multiple supplemental activities that include first responder pipeline emergency training, excavator Dig Safely meetings, special communications with farmers before they begin spring plowing, direct communications with schools located near pipelines, and more.

As part of our efforts, we will make RP 1162 better as we are now doing with a new edition that we expect to come out later this year. The first edition was a monumental achievement, and all who participated in producing it should be proud. Creating something from nothing is tough. Building something from the ground up is hardest. That first edition was a first cut at a very difficult problem. It was not perfect. Putting it into practice revealed some shortcomings. It was not as clear, practical and straightforward as everyone had hoped. And as we continue to learn more in implementing public awareness programs, further changes may be required.

The proposed revisions in the second edition of RP 1162 are expected to address some of the challenges that operators and the public face in effectively communicating with each other about pipeline safety. Provisions such as aligning the key safety messages and delivery frequency between pipeline sectors, more flexibility on delivery methods and increased guidance will help an operator better determine how to more effectively distribute public awareness materials to the affected public and other key stakeholder groups. One notable change is the elimination of impractical provisions, such as “Measure 3—Desired Behaviors by the Intended Stakeholder Audience” as a gauge of program effectiveness. We certainly agree that public awareness programs should be evaluated for their effectiveness. We believe that “awareness”, not “desired behavior”, is the right thing to measure, and is much more measurable. While changing behavior is desirable, the focus of the RP and the direction we received from Congress and OPS is to increase pipeline safety *awareness* among the affected public and our other key stakeholders. With all the external factors that may potentially influence a stakeholder, it is impractical for an operator to make a determination that its public awareness program prompted behavior changes by the public through any quantifiable measure. We can, however, reasonably measure, over time, changes in awareness about pipeline safety.

We are also addressing a recommendation from the National Transportation Safety Board (NTSB) to identify 911 Call Centers explicitly as part of the target audience for

public awareness programs in the revised edition of API RP 1162. We have communicated this to NTSB and they have marked the status of the recommendation as “Open; Acceptable Response”.

As operators have worked their way through the first four year implementation period for their new programs, they have encountered several challenges. Evaluating the effectiveness of their programs was something that most operators had never done before and this was perhaps the biggest challenge. How many people actually read and understand these messages and retain the information? Are people becoming more aware about damage prevention and emergency response?

API, AOPL and the Interstate Natural Gas Association of America sponsored a program effectiveness survey tool (PAPERS) that is available to operators for the evaluation of their programs. It gives operators the ability to look at many different locations and methods of their programs. This evaluation tool allows operators the ability to modify their programs based upon their individual results and each participating operator can compare its results to aggregate results, which makes them more meaningful.

Triggers for supplemental programs are another industry challenge. The regulations properly give discretion to operators to design programs to achieve the desired public outreach and awareness goals and decide whether and what supplemental elements should be added to their basic programs. Flexibility and discretion are critical because one-size-fits-all solutions don't make sense with such a diverse industry operating in so many different environments.

### **Excavation Damage Prevention**

Another key element of our public education programs is excavation damage prevention. We want excavators to mark where they plan to dig, call their One-Call Center 48-hours before digging and communicate with underground facility owners that may be impacted. We want to be notified if unauthorized excavation is happening near our pipelines. While excavation-related accidents are not frequent for hazardous liquid

pipelines, at about 7 percent of all accidents over the past 10 years, they make up around 30 percent of the accidents that resulted in serious outcomes like fires, explosions, evacuations, injuries and deaths. That's why the industry has strongly funded and participated in the Common Ground Alliance since its inception to promote best practices in excavation and marking around underground facilities and why we supported the rollout of the national 811 Call Before You Dig Campaign. We also support strong state damage prevention laws and call for states to eliminate exemptions from those laws for local government and commercial excavators. This would remove a significant safety gap, because excavation damage is a problem regardless of who the excavator is. OPS began a rulemaking last year that will encourage stronger state programs and allow federal enforcement of damage prevention requirements if a state program is found to be inadequate. We call for OPS to complete that rulemaking expeditiously.

## **Conclusion**

Public awareness programs will need to continually evolve to meet the challenges of communicating with the public, excavators and officials; however our objective should remain the same – preventing damage and promoting safety awareness.

Revisions to the statute regarding public awareness programs are unnecessary. Rather we see the need to allow operators the flexibility to build and innovatively shape their current programs to meet our mutual goal of promoting safety awareness.

In order to provide maximum protection to the public from excavation damage, we strongly urge that all exemptions from state one-call requirements be eliminated.

We strongly encourage OPS, under the current public awareness statute, to adopt the upcoming revisions to API RP 1162 into its regulations as a needed update to the pipeline public awareness requirements.